

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VERNON WAYNE MCNEAL,

Plaintiff,

v.

F. LECKIE; A ERVIN; R.  
CHATHAM, substituted party  
for C. CHATHAM, deceased; and  
D. VAN LEER;

Defendants.

No. 2:05-cv-00441-GEB-EFB

**ORDER DENYING DISCOVERY MOTIONS**

Plaintiff filed three discovery motions on March 31, 2016 (ECF Nos. 262, 263 and 264); a discovery motion on April 1, 2016 (ECF No. 265); an April 8, 2016 objection which contains discovery requests (ECF No. 266); an April 14, 2016 discovery motion (characterized by Plaintiff as a motion to amend photographs) (ECF No. 267); and four discovery motions on April 22, 2016 (ECF Nos. 268, 269, 270 and 271).

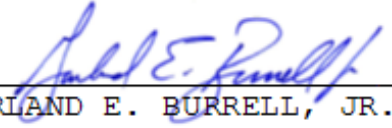
However, as Plaintiff was informed in the Pretrial Order filed on February 24, 2015, "[d]iscovery [is] closed [and] Plaintiff has not provided the court with any reason why he did not timely pursue the requested information [before discovery closed]." (Pretrial Order 19:16-18, ECF No. 180.) The Pretrial

1 Order states "[i]f no objections are made [within 30 days], the  
2 Pretrial Order will become final without further order of the  
3 court." (Pretrial Order 21:21-22, ECF No. 180.) Although  
4 Plaintiff filed objections to certain portions of the Pretrial  
5 Order, the objections to the undisputed facts section of the  
6 order are overruled and Plaintiff's remaining objections concern  
7 matters that fail to prevent the Pretrial Order from becoming  
8 final. Further, the Pretrial Order was supplemented by Orders  
9 filed May 22, 2015 and June 1, 2015. (ECF Nos. 206 and 210.)

10 Therefore, Plaintiff's discovery requests are untimely  
11 since discovery is closed and Plaintiff has not shown that the  
12 date by which discovery was to have been completed should be  
13 modified to prevent manifest injustice. Accordingly, Plaintiff's  
14 discovery requests filed March 31, 2016 (ECF Nos. 262, 263 and  
15 264) are DENIED; Plaintiff's discovery request filed April 1,  
16 2016 (ECF No. 265) is DENIED; Plaintiff's discovery request filed  
17 April 8, 2016 (ECF No. 266) is DENIED; Plaintiff's discovery  
18 request filed April 14, 2016 (ECF No. 267) is DENIED; and  
19 Plaintiff's discovery requests filed April 22, 2016 (ECF Nos.  
20 268, 269, 270 and 271) are DENIED.

21 IT IS SO ORDERED.

22 Dated: October 11, 2016

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26 GARIAND E. BURRELL, JR.  
27 Senior United States District Judge  
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